



Brunei

Country Reports on Human Rights Practices - [2004](#)

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Brunei Darussalam is a small, wealthy, Islamic country ruled by the same family for over 600 years. A British Protectorate from 1888, it became fully independent and sovereign in 1984. After a failed rebellion in 1962, the then Sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers were renewed regularly, most recently in March under the present ruler, Sultan Haji Hassanal Bolkiah. The state of emergency places few limits on the Sultan's power. In September, the Sultan named an appointed Legislative Council, an institution that had been suspended for 20 years. The council was expected to have a limited role in recommending and approving legislation. The Sultan also served as Prime Minister, Minister of Defense, Minister of Finance, Chancellor of the national university, Superintendent General of the Royal Brunei Police Force, and Head of the Islamic faith. The Constitution does not specifically provide for an independent judiciary, and the Sultan appoints all higher court judges and has the authority to remove them, although he has never done so. The courts appeared to act independently.

The police force and an Internal Security Department (ISD) are responsible for law enforcement and maintenance of order. The Sultan maintained control over both. There were no reports that security forces committed human rights abuses.

The country's large oil and natural gas reserves, coupled with its population of 358,000, gave it a per capita gross domestic product of approximately \$13,300. The Government used its substantial oil and gas revenues and investment income to provide its citizens a wide range of services and benefits that included free schooling and medical care, subsidized housing, and jobs. During the year, the non-oil and gas component of the economy suffered its 6th year of stagnation. Foreign workers made up approximately 40 percent of the labor force.

There were problems in the Government's human rights record, particularly in the area of civil liberties; however, there was some improvement in government transparency and tentative steps toward a more representative government. Citizens did not have the right to change the government, and they generally avoided political activity of any kind because of the official atmosphere of disapproval concerning such activities. Citizens did not exercise freedom of speech, freedom of press, freedom of assembly, or freedom of association. The Government used the Internal Security Act (ISA) to detain persons. Other human rights problems continued, including restrictions on religious freedom. Occasional spousal violence against women remained a concern, although the Government addressed the matter at many levels. Discrimination against women was a problem. Labor rights were circumscribed, and foreign workers sometimes were subjected to exploitation, although the Government took steps to protect foreign workers and began limited prosecution of errant employers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory for 42 drug-related and other criminal offenses, and it was included as part of the sentence in 80 percent of criminal convictions. Canings were carried out in the presence of a doctor, who had the authority to interrupt the punishment for medical reasons. Prison conditions generally met international standards. Juveniles typically served their sentences in adult detention centers, but several young offenders were housed at a government rehabilitation center. During the year, construction continued on a second rehabilitation facility for young offenders. Male and female offenders were housed separately. Prisoners received regular medical checkups. Detention cells at police stations were Spartan.

There were no reports that human rights monitors requested prison visits; however, foreign diplomats had consular access to detained nationals. Family members were permitted to visit prisoners and bring food.

d. Arbitrary Arrest or Detention

The law provides for a prompt judicial determination regarding the validity of an arrest. However, those provisions, like the Constitution itself, may be partially or wholly superseded through invocation of the emergency powers. The ISA permits the Government to detain suspects without trial for renewable 2-year periods. ISA detainees are denied the right to a trial and legal counsel, and they are not presumed to be innocent. In the past, information on detainees was made public only after their release. During the year, all ISA arrests were publicly announced.

The police force and the ISD are under the direct control of the Prime Minister's Office. Both groups were considered free of major corrupt practices; however, there were reports of petty corruption among traffic police. Unlike in previous years, there were no prosecutions of police or ISD members for corrupt or criminal acts.

Normally a magistrate must endorse a warrant for arrest. On rare occasions, warrants are issued without this endorsement, such as when police are unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

In February, the Government detained 16 persons under the ISA for involvement in a counterfeit ring. In March, the Government detained three persons--Major (Retired) Haji Muslim bin Haji Awang Tengah; Noordin bin Haji Ahmed Noor, a former senior police officer; and Haji Abdul Radzak bin Haji Awang Damit, a businessman--under the ISA for treason and "subversive actions, detrimental to the country's security." The Government did not bring formal charges against the three, but a press release accused Noordin of selling and leaking government secrets to an unnamed foreign country. Major Muslim was accused of leaking government secrets to Haji Abdul Radzak, who used the information in a local Internet forum.

On July 10, authorities released six individuals who had been detained under the ISA since September 2003 for suspected association with Al-Arqam, a banned Muslim organization. Government officials maintained that the detentions had been for security rather than religious reasons (see Section 2.c.).

e. Denial of Fair Public Trial

The Government used the ISA to detain without trial three persons it accused of treason and subversion (see Section 1.d.). It used the same act to detain 16 individuals for a major counterfeiting offense that it said could have destabilized the country's economy.

The Constitution does not provide specifically for an independent judiciary, but the courts appeared to act independently, and there were no known instances of government interference with the judiciary. All higher court judges are appointed by and serve at the pleasure of the Sultan.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. Procedural safeguards include the right to defense counsel, an interpreter, a speedy trial, and to confront accusers. There is no legal provision to provide affordable legal counsel for poor defendants, except in capital cases. Such defendants may act as their own lawyers in court.

The secular law, based on English common law, provides citizens with a fair and efficient judicial process. Shari'a (Islamic law) supersedes secular law for Muslims in some areas, including divorce, inheritance, and some sexual

crimes. Shari'a is not applied to non-Muslims. During the year, lawyers trained in both secular law and Shari'a continued to work on a proposed alignment of the country's two legal systems into a single, comprehensive legal code. A law society, or bar association, to promote lawyers' public accountability was established in July 2003, but it did not convene during the year.

The law lacks provisions to allow companies or individuals to sue the Government, which traditionally resolves disputes with generous, non-negotiable settlements or in some cases simply refuses to settle.

There were no reports of political prisoners, but information on possible detainees was very difficult to obtain.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law permits government intrusion into the privacy of individual persons, families, and homes. Shari'a permits enforcement of "khalwat," an Islamic prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse or other close male relative. There were numerous reports of religious enforcement officers entering homes, buildings, and vehicles to detain suspects.

The Government monitored the private e-mail and Internet chat room exchanges of citizens that it believed to be subversive. The Government employed an informer system as part of its internal security apparatus to monitor suspected dissidents.

Members of the civil service, the country's main employer, were prohibited from joining political parties (see Section 2.b.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the emergency powers in effect since 1962, the Government significantly restricted freedom of speech and freedom of the press. Constitutional amendments adopted during the year allow members of the newly appointed Legislative Council to "speak their opinions freely," but they are prohibited from using language or exhibiting behavior deemed to be "irresponsible, derogatory, scandalous or injurious," and they may be disqualified for "disloyalty" to the Sultan among other offenses.

In 2001, legislation that codified existing practice further reduced press freedom. Among other restrictions, it requires local newspapers to obtain operating licenses and prior government approval of foreign editorial staff, journalists, and printers. The law also gives the Government the right to bar distribution of foreign publications, and it requires distributors of foreign publications to obtain a government permit. The law allows the Government to close a newspaper without prior notice or showing cause. Journalists deemed to have published or written "false and malicious" reports can be subjected to fines or prison sentences.

Prior to the promulgation of the 2001 legislation, foreign newspapers or magazines with articles that were found to be objectionable, embarrassing, or critical of the Sultan, the royal family, or the Government were not allowed into the country at times. Magazine articles with a Christian theme reportedly were censored (see Section 2.c.). However, the growing access to fax machines, the Internet, and satellite transmissions made it increasingly difficult to keep such material from entering the country.

The country's largest circulation daily newspaper, the Borneo Bulletin, practiced self-censorship in its choice of topics to avoid angering the Government. However, letters to the editor often included comments critical of the Government's handling of certain social, economic, and environmental issues. On occasion, the Government responded to public opinion on some issues concerning social or environmental problems. There was a Malay-language newspaper, the Media Permata, that circulated approximately 5,000 copies. There also were several Chinese-language newspapers.

Although the Government owned the country's only television station, three Malaysian television channels were available. Two satellite television networks also were available and offered a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The Government's tolerance of political criticism was not tested because there was no organized opposition. In the

past, the Government has arrested those who attempted to propagate unwelcome political views. The Borneo Bulletin continued to heed advice from the police not to publish any reports about the activities of the Consumers' Association of Brunei, a quasi-human rights organization (see Section 4).

After the detention of two persons involved in disseminating on a locally hosted Internet forum criticism of the Government and the royal family deemed "subversive" by the Government, fear of government surveillance reduced the number of visitors to the few existing forums. The Government also was believed to have periodically blocked access to at least one forum hosted outside the country, although a fourth forum opened early in the year. The country's primary Internet service provider was state owned.

The Government generally respected academic freedom; however, some researchers chose to publish from overseas and under a pseudonym when they perceived that subject matter pertaining to the country would not be well received. There were no politically oriented student associations.

b. Freedom of Peaceful Assembly and Association

Under the emergency powers in effect since 1962, the Government significantly restricted the right to assemble. Freedom to assemble for political purposes was not tested during the year.

Political parties are allowed, but they may not engage in "activities that endanger people." Civil servants and security force personnel, who together made up 60 percent of all employed citizens, are not permitted to join political parties. There were two registered parties in the country, the Brunei Solidarity National Party (PPKB) and the Brunei People's Awareness Party (PAKAR). Both parties pledged their support to the Sultan and the system of government, although they criticized administrative deficiencies. During the year, the parties largely were inactive, their few activities often went unpublicized, and they were hindered by membership restrictions. However, several members and former members of political parties were consulted informally about the program of the resumed Legislative Council.

The few nongovernmental organizations (NGOs) were based locally and generally were professional, business, or social associations. An NGO seeking to operate in the country is required to apply for permission under the Companies Act and provide a list of members. The Government continued to restrict the activities of international service organizations such as Rotary, Kiwanis, and the Lions, which developed out of the established business community. Religious regulations promulgated by the Ministry of Religious Affairs and the State Mufti's Office prohibit Muslims from joining these organizations.

c. Freedom of Religion

The Constitution states, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafi'i sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." The Government controlled mosques, and the Ministry of Religious Affairs prepared the weekly Friday sermons delivered in mosques countrywide. In 1993, the Government participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. However, the Government restricted the practice of non-Islamic religions and of non-Shafi'i Islamic groups.

The Government reinforced the legitimacy of the hereditary monarchy and the observance of traditional and Islamic values through a national ideology known as the Melayu Islam Beraja, or "Malay Muslim Monarchy." Constitutional provisions allow for the full and unconstrained exercise of religious freedom; however, the Government routinely restricted the practice of non-Muslim religions by prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and denying requests to expand or build new churches, temples, and shrines. There has been a Catholic apostolic prefecture in the country since 1998 headed by an ethnic Chinese Bruneian Prefect. While not permitted to build new premises, Christian churches were given permission to repair and expand premises on safety grounds. All non-Shafi'i religious groups are required to register as associations under the Societies Act, but in 2003 two Christian groups were denied permission to register, which is required by law for a group to worship communally. An organization that fails to register can face charges of unlawful assembly. Only Islamic groups belonging to the Shafi'i school are permitted to organize public religious processions; however, during the year, a limited number of public lion dances to celebrate the Chinese Lunar New Year were allowed.

Muslims who wished to change or renounce their religion faced considerable difficulties. Born Muslims faced official and societal pressure not to leave Islam. Permission from the Ministry of Religious Affairs must be obtained, and

there were no reports of anyone requesting such permission. During the year, there were instances of persons, often foreign women, who converted to Islam as a prelude to marrying Muslims, as required by the country's Islamic law. If the marriages took place, these women faced intense official pressure not to return to their former religions or encountered extraordinary delays in obtaining permission to do so. There were cases of divorced Muslim converts who, because of official and societal pressure, remained officially Muslim.

The Government investigated and used its internal security apparatus--including such measures as surveillance, investigation, and detention--against persons whom it considered to be purveyors of radical Islam, non-Muslims who attempted to proselytize, and religious groups that did not belong to the official religion. It has banned the Baha'i faith and the Islamist Al-Arqam movement and detained a number of the latter's followers. In July, the Government released six members of the movement who had been detained since September 2003. Before their release, the six underwent several months of "rehabilitation," which entailed physical and psychological pressure, public renunciations, and re-education. A seventh man, Mohammed Ashadi Haji Sulaiman, who had been arrested later than the six, remained in detention at year's end. Unlike in previous years, the Government did not detain evangelical Christians for alleged subversive activities.

Non-Muslims who proselytize may be arrested or detained and held without charges for an extended period of time.

During the year, the Government continued work on a proposed alignment to combine the country's secular law and Shari'a into a single, comprehensive legal code. The authorities enforced some Shari'a regulations and in April arrested 46 Muslims for not performing Friday prayers. Thirty-two of those arrested were foreigners. The offenders were fined and later released. There was a marked increase in arrests for other offenses under Shari'a, such as "khalwat" and consumption of alcohol.

During the year, the Government routinely censored magazine articles on other faiths by blacking out or removing photographs of crucifixes and other Christian religious symbols. In addition, government officials prevented the public display, distribution, and sale of items featuring non-Islamic religious symbols.

The Ministry of Education requires courses on Islam or the national ideology, the Malay Muslim Monarchy, and prohibits the teaching of other religions. The Ministry requires that all students, including non-Muslims, follow a course of study on the Islamic faith and learn Arabic script. The International School of Brunei and the Jerudong International School were exempt from these requirements. Private Christian schools are not allowed to give Christian instruction and are required to give instruction on Islam. However, the Government did not prohibit or restrict parents from giving religious instruction to children in their own homes.

The Government requires residents to carry an identity card that states the bearer's religion. Visitors to the country are asked to identify their religion on their landing cards.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts the movement of former political prisoners during the first year of their release. Generally, the Government does not restrict the freedom of movement of citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad, which was granted routinely.

Under a colonial-era law, the Sultan may forcibly exile, either permanently or temporarily, any person deemed to be a threat to the safety, peace, or welfare of the country. However, since independence there have been no cases of banishment of citizens.

The country is not party to the 1951 Convention on the status of refugees or the 1967 Protocol relating to the status of refugees. No legal provision exists for granting temporary refuge or refugee status to those seeking such refuge or asylum. Under the law, persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the right to change their government peacefully, and civil servants are not permitted to join

political parties. In September, the Sultan named a fully appointed Legislative Council, which he revived after a 20-year suspension. However, the Council had no powers independent of the Sultan. Political authority and control rested entirely with the Sultan, while the Council provided a forum for public discussion of proposed government programs as well as administrative deficiencies. Members of the Sultan's appointed Cabinet served as his principal advisors.

Individuals sought to express their views or to influence government decisions and policies by posting messages to Internet discussion boards, writing letters to local newspapers, and petitioning the Sultan or handing him letters when he appeared in public (see Section 2.a.).

The country has attempted, with limited success, to institutionalize a form of popular representation based on a traditional system of village chiefs elected by secret ballot by all adults. Candidates must be approved by the Government and must be Malay or of a recognized indigenous race. These leaders are expected to communicate constituents' wishes through a variety of channels, including periodic meetings, chaired by the Home Affairs Minister, with several officials appointed by the Sultan. Regular meetings between senior government officials and "Mukim" (a group of villages) representatives allowed for airing of local grievances and concerns.

In September, in addition to reviving the Legislative Council, the Sultan also announced changes to the Constitution that consolidated his executive powers while providing for limited elections to the Legislative Council. Amendments to royal succession to include the Sultan's sons from a second (now divorced) wife also were approved.

There were reliable reports of concealed corruption in the Government. The Government has announced a "zero tolerance" policy for corrupt policy and has successfully prosecuted a number of low-level officials. The Government also began prosecuting a former Minister of Development on charges of corruptly awarding government projects and accepting bribes. The case had not been decided at year's end.

In 2000, the Government declared its intention to be more transparent. While there has been some minor improvement, the Government continued to restrict and classify as confidential any information on the Government's and the royal family's financial dealings, particularly regarding expenditures, revenues, and incomes.

The lack of a representative, democratic government seriously limited the role of both men and women in government and politics, although women were limited to a greater extent. There were no women ministers in the Government or the Legislative Council, although the Sultan's sister, Princess Masna, was the second-ranking official in the Ministry of Foreign Affairs, and there were women ambassadors, judges, and other senior officials.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Consumers' Association of Brunei (CAB), established in 2002, attempted to address human rights but was impeded by the Government from doing so. In the past, the CAB has publicized poor working and living conditions of foreign workers involved in protest work stoppages (see Section 6.e.). In 2002, the organization received a letter from the Commissioner of Police requesting CAB to show reason why it should not be deregistered for exceeding its mandate, which primarily focused on consumer rights. Senior CAB members reportedly were subjected to surveillance. The association was able to show evidence of its mandate to address workers' rights, but subsequently the local media did not publicize the association's activities.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, or social status.

Women

The extent of spousal abuse was unknown. During the year, there were approximately 80 reported cases of domestic violence against women. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer jail sentence.

A special unit, staffed by female officers, existed within the police department to investigate domestic abuse and child abuse complaints. A hotline was in service for persons to report domestic violence. The Ministry of Culture's Social Affairs Services (SAS) Unit provided counseling for women and their spouses. During the year,

approximately 20 female domestic abuse victims were sheltered at the Taman Noor Hidayah, a shelter run by the SAS unit. According to press reports, the female victims were restricted to the shelter while waiting for their cases to be brought to court. The reports increased pressure on the shelter residents to leave the shelter and drop charges to avoid social stigma.

Islamic courts, staffed by both male and female officials, offered counseling to married couples in domestic violence cases. Officials did not encourage wives to reconcile with flagrantly abusive spouses, and the Islamic courts recognized assault as grounds for divorce.

Female domestic servants, most of whom were foreign workers (see Sections 6.c. and 6.e.), also were subjected to abuse. While the level of violence in society generally was low, beating servants or refusing them the right to leave the house on days off was more prevalent. Since most foreign female domestics were highly dependent on their employers, those subject to abuse often were unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints were brought, the Government generally was quick to investigate allegations of abuse and impose fines and punishment as warranted. Several workers settled assault cases out of court with their employers. One foreign embassy maintained a shelter for domestics involved in disputes with employers and was active in protecting their citizens' rights.

Prostitution is illegal. Women who entered the country for purposes of prostitution generally were tried, sentenced, and deported swiftly (see Section 5, Trafficking).

In accordance with certain Islamic traditions, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. However, the law permits female citizens to pass their nationality on to their children and to own property and other assets, including business properties.

Although men were eligible for permanent positions in government service whether or not they had university degrees, women without university degrees were eligible to hold government positions only on a month-to-month basis. Women in month-to-month positions received slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There were no separate pay scales for men and women, and in recent years, there has been a major influx of women into the work force. Women served in a wide variety of capacities in the police and armed forces. The number of female university graduates increased, and nearly two-thirds of the national university's entering class was female.

Religious authorities strongly encouraged Muslim women to wear the "tudong," a traditional head covering, and most women did so. Most government departments and the uniformed services required female Muslims and non-Muslims to wear the tudong as part of their dress code. All government schools, as well as the national university and other educational institutions, also pressured non-Muslim students to wear the tudong as part of these institutions' uniforms.

Children

No statistics were published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provided most children a healthy and nurturing environment. Education is free, compulsory, and universal for the first 9 years, after which it is still free but no longer compulsory. With a few exceptions, involving small villages in extremely remote areas, nutritional standards were high and poverty was almost unknown. Medical care for all citizens, including children, was subsidized heavily and widely available. Approximately 20 young female rape and sexual abuse victims, between 9 and 15 years of age, were housed at the government-sponsored Taman Noor Hidayah women's shelter. The penalty for the rape of a minor is imprisonment for 8 to 30 years and caning with not fewer than 12 strokes.

Trafficking in Persons

A statute outlaws sexual exploitation and trafficking of women and girls. In addition, a variety of other laws, primarily those related to prostitution and the protection of minors, could be applied against sex traffickers. The country has been a destination for a small number of persons trafficked for sexual exploitation from China and within the region. There were very few identifiable cases of trafficking, and the majority of women who entered the country as sex workers were considered to have done so voluntarily. Immigration, labor, and religious regulations that criminalize prostitution also served to deter trafficking. There were reports of foreign household laborers who worked under harsh conditions and whose freedom of movement was restricted (see Section 6.e.).

In December, the Government introduced a specific antitrafficking law under which a person convicted of trafficking persons, harboring smuggled persons, or endangering the lives or safety of trafficked or smuggled persons can be fined up to \$606,060 (B\$1 million), imprisoned for up to 30 years, and caned. A person convicted of facilitating trafficking or smuggling persons can be fined up to \$30,303 (B\$50,000) and imprisoned for up to 10 years. Immigration and other law enforcement officials have begun receiving training to investigate and prosecute suspected offenders to deal with trafficked victims under the terms of the new law.

Persons with Disabilities

The law does not mandate accessibility or other assistance for persons with disabilities. The Government attempted to provide educational services for children with disabilities; however, these efforts did not meet international norms.

National/Racial/Ethnic Minorities

There were a sizeable number of "stateless" persons and permanent residents, mostly ethnic Chinese, including persons born and raised in the country, who were not automatically accorded citizenship and its attendant rights. They had to travel abroad as stateless persons and did not enjoy the full privileges of citizenship, including the right to own land. Stateless persons and permanent residents also were not entitled to subsidized medical care. In June 2003, a reform to the nationality law allowed some older, stateless persons and some permanent residents over age 50 to acquire citizenship by passing an oral rather than a written nationality test. All stateless persons and permanent residents became entitled to free education at government schools and other vocational and technical institutions.

Section 6 Worker Rights

a. The Right of Association

Trade unions are legal and independent but must be registered with the Government. All workers, including civil servants other than those serving in the military and those working as prison guards or police officers, may form and join trade unions. In practice, there was no union activity in the country. The Government did not encourage unions or facilitate their formation, and employers in the industrial sector did not encourage foreign workers to form unions. The three registered trade unions were in the oil sector, had a total membership of less than 5 percent of that industry's work force, and were inactive. There were over 100,000 foreign workers in the country, including almost 20,000 garment industry workers, none of whom were members of any trade union.

The law permits the formation of trade union federations but forbids affiliation with international labor organizations. The country has ratified none of the International Labor Organization's (ILO) eight Fundamental Conventions.

b. The Right to Organize and Bargain Collectively

There was no union activity in the country, and questions of government interference in union matters and employer discrimination against union members did not arise. There is no legal foundation for collective bargaining, and strikes are illegal. Wage and benefit packages were based on market conditions.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ). The labor laws are fully applicable in the MEZ.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that some foreign domestic workers worked under unacceptable conditions (see Section 6.e.). Other workers, most notably in the garment industry, signed contracts with employment agents or other sponsors in their home countries that reduced their promised salaries through payments to the agencies or sponsors. In 2003, the Government forbade wage deductions to agencies or sponsors and mandated that employees receive their full salaries. However, the payment by foreign workers of high fees to manpower agents to obtain work in the country continued.

d. Prohibition of Child Labor and Minimum Age for Employment

Various laws prohibit the employment of children under the age of 16. Parental consent and approval by the Labor Commission is required for those under the age of 18. Female workers under 18 may not work at night or on

offshore oil platforms. The Department of Labor (DOL), which is part of the Ministry of Home Affairs, effectively enforced laws on the employment of children. There were no reports of violations of the child labor laws.

The Government adhered to the standards of ILO Convention 182 on the worst forms of child labor, but it is not a member of the ILO.

e. Acceptable Conditions of Work

Due to the ongoing economic downturn and reduced government hiring, unemployment has grown in recent years. However, most citizens who had employment commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspected working conditions on a routine basis and in response to complaints. The DOL generally enforced labor regulations effectively. However, enforcement in the unskilled labor sector was lax, especially for foreign laborers. The DOL may close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally this did not occur.

At least 100,000 foreign nationals worked in the country. There were reports of foreign maids and other domestic workers who worked exceptionally long hours, did not have a rest day, and whose liberty was severely restricted. There also were isolated reports of employers who beat domestic employees or did not provide them with adequate food. The Government prosecuted some cases; employers found guilty of abuses typically were fined and asked to compensate the victim.

Government protective measures for foreign workers included arrival briefings for workers, inspections of facilities, and a telephone hotline for worker complaints. Government mediation continued to be the most common means used to resolve labor disputes. Abusive employers faced criminal and civil penalties. When grievances cannot be resolved, repatriation of foreign workers is at the expense of the employer, and all outstanding wages must be paid. The majority of abuse cases were settled out of court by the payment of financial compensation to the worker by the errant employer.

In February, the country amended its immigration laws by introducing retroactive prison sentences and caning for overstaying workers and illegal immigrants seeking work, as well as for workers employed by companies other than their initial sponsor. While the majority of prosecutions were for long-term overstayers, many workers were in illegal status owing to their former employers' negligence. Diplomatic missions appealed to the Government to delay the introduction of caning penalties and not apply the law retroactively. The Government delayed the introduction of caning penalties until June.

Several hundred workers were duped by foreign and local manpower agents into paying high recruitment fees to obtain a 3-month short-term work contract. Many of the workers subsequently were not able to transfer to standard 2-year contracts, and some lapsed into illegal immigration status. Diplomatic missions also appealed to the Government for leniency for these persons, and the Government granted their request. The Government acted to close this loophole by requiring employment agencies to register and limiting work permit renewals to registered agents.

Beginning in June, the Government also used the Labor Act's provisions to prosecute errant employers who employed illegal immigrants or did not process workers' documents, rendering them in illegal status. In addition, it began prosecuting employers for not paying workers' salaries. In one case, the court ordered a citizen to pay 17 months' salary arrears to his maid or serve a 9-month jail term.